IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 14731 of 1993

Between:

1.K.Papaih son of Narasaiah, aged 31 years

2.N .Yadaiah son of Mallaiah, aged 23 years

3.Smt.K.Laxmamma wife of Kotaiah, aged 36 years

4.A.Sanjeeva son of Ramulu, aged 29 years

5.R.Anjaiah, son of Lingaiah, aged 39 years

6.M.Madhavachari son of Ramuluchari, aged 28 years

7.Smt.M.Padmamma, wife of Narayana, aged 33 years

8.M.Ramulu son of Ramachandram, aged 33 years

9.Arifuddin son of Ibrahim, aged 37 years

10.Smt.Razakali wife of Satyapal, aged 30 years

..... PETITIONERS

AND

1.Govt.of A.P. rep. by its Secretary, Social Welfare

Department, Secretariat buildings, Hyderabad.

2.Govt. of A.P. rep. by its Secretary, Education Department

Secretariat buildings, Hyderabad.

3.A.P.Social Welfare Residential Educational Institution Society

(Regd.) rep. by its Secretary, Hyderabad.

4.Principal, A.P.Social Welfare Residential School for boys, Bhongir, Nalgonda Dt.

5.Deputy Director and Secretary, Social Welfare Residential

Education Institution Society (Regd.) Nalgonda, Nalgonda dt.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ order, or direction more particularly writ of mandamus directing the respondents to extend the benefits conferred in G.O.Ms.No.98, dated 8-4-1993 to the employees working in A.P. Social Welfare Residential School for Boys, Bhongir, Nalgonda District under the control of the 3rd respondent and further direct the respondents to absorb the petitioners in the existing vacancies in the light of the judgment of A.P. High Court in W.P.No.5125 of 1991 and to issue any appropriate writ.

Counsel for the Petitioner: MR.Y.S.CHANDRASEKHAR

Counsel for the Respondent Nos.1 and 2: G.P. FOR SOCIAL WELFARE

Counsel for the Respondent Nos.3 to 5:MR.VIJAYA BHASKAR MOOLA, STANDING COUNSEL FOR A.P.S.W. RESIDENTIAL EDUCATION

The Court made the following :

ORDER

This Writ Petition is filed by the petitioners inter alia seeking regularization of their services in the existing vacancies in the light of the judgment of this Court in W.P.No.5125 of 1991.

This Court while admitting the Writ Petition has granted interim direction to continue the petitioners in service pending further orders. Subsequently this Court in W.P.No.23093 of 1993, considering the circumstances of the case, passed the following order:

" 1) Such of the petitioners who are in service as on today shall be

continued in service pending disposal of the writ petition:

2) The employees who are being continued in service shall be paid salaries on par with the regular employees with effect from 14-6-1993 pending disposal of the writ petition:

3) It is open to the authorities to fill up all the existing vacancies other than the vacancies in which the petitioners herein are being continued, in accordance with the rules and regulations in force: and

4) The differential salary payable for the period from 14-6-1993 to 30-9-1993 shall be paid to the petitioners on or before 14-2-1994."

Now it is represented by the learned standing counsel for the respondent that out of the ten petitioners, services of the seven petitioners were regularized and rest of the services of three petitioners viz.,K.Laxamma, M.Padmamma and Ariffuddin were not regularized.

Learned counsel for the petitioner contended that the fact that the petitioners have worked for more than twenty years is not in dispute and they are only seeking for regularization of their services in the Last Grade Services only, therefore, the case of the petitioners, whose services were not regularized by virtue of the proceedings dated 26-10-2004 needs to be considered. I find some force in the contention of the learned counsel for the petitioner. In the circumstances the proceedings, dated 26-10-2004 is taken on record. Considering the circumstances that the remaining three petitioners have put in more than fifteen years of service and as on now, they are continuing as such, the respondents are directed to consider the case of the three petitioners whose services were not regularized in the Last Grade Services as per rules.

Subject to the above directions, the Writ Petition is disposed of. NO costs.

28-10-2004.

Hsd

Assistant Registrar

// true copy //

Section Officer

To,

1.The Secretary,. Social Welfare

Department, Govt of A.P. Secretariat buildings, Hyderabad.

2.The Secretary, Education Department Govt of A.P.

Secretariat buildings, Hyderabad.

3. The Secretary, A.P.Social Welfare Residential Educational Institution Society (Regd.) Hyderabad.

4.Principal, A.P.Social Welfare Residential School

for boys, Bhongir, Nalgonda Dt.

5.Deputy Director and Secretary, Social Welfare Residential

Education Institution Society (Regd.) Nalgonda, Nalgonda dt.

6. 2 CCs to G.P. for Social Welfare, High Court Buildings, Hyderabad (OUT)

7. 2 C.D. copies.